

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Case 3:13-CR-204-MOC

UNITED STATES OF AMERICA)	
)	
v.)	RESPONSE TO “OBJECTION TO BILL
)	OF PARTICULARS FOR
(1) BOGGS PAVING, INC.,)	FORFEITURE OF PROPERTY”
(2) CARL ANDREW BOGGS, III)	
a/k/a Drew Boggs.)	

NOW COMES the United States of America, by and through Anne M. Tompkins, United States Attorney for the Western District of North Carolina, and files this Response to Defendants’ Objection to Bill of Particulars for Forfeiture of Property (Doc. 156). In light of new information provided by Defendants in their motion, the United States moves to withdraw the Bill of Particulars (Doc. 154):

Discussion

Defendant Boggs Paving, Inc. (“Boggs Paving”) has admitted to conspiring to defraud the USDOT’s Disadvantaged Business Enterprises (DBE) program. This conspiracy resulted in substantial financial gain to Boggs Paving: 37 federally-funded contracts worth more than \$87.6 million. Defendant Boggs Paving now faces a substantial fine, restitution, and forfeiture.

As part of the plea negotiations in this case, in August 2014, Defendant Boggs Paving represented to the United States that company assets, including the Buckhorn Materials quarry, were sold to pay off obligations of Boggs Paving and to keep Boggs Paving from filing for bankruptcy. Based on these representations, the United States believed that the proceeds of these sales were the property of Boggs Paving.

In September 2014, the United States learned that \$600,000 of the proceeds of this sale of assets had been wired to Defendant Drew Boggs and used to pay off the mortgage on his \$1.4 million residence. The United States then filed the Bill of Particulars and lis pendens to preserve Boggs Paving assets for future determination of forfeiture and restitution by the Court.

Based upon the new information Boggs Paving revealed in its Objection about the sale of assets, the United States moves to withdraw the Bill of Particulars and will remove the lis pendens on the \$1.4 million residence.

Conclusion

WHEREFORE, the Government respectfully requests that this Court withdraw the Bill of Particulars (Doc. 154) without prejudice.

RESPECTFULLY SUBMITTED, this the 14th day of October 2014.

ANNE M. TOMPKINS
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2014, this document was served upon Defendant electronically through counsel.

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